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2 UNITED STATES DISTRICT COURT
3 DISTRICT OF NEVADA

4 Marie Encar Arnold,

5 Plaintiff

6 v.

7 United States of America, et al.,

8 Defendants

Case No. 2:24-cv-01856-CDS-NJK

Order Overruling Objection, Adopting the
Report and Recommendation of the
Magistrate Judge, and Closing Case

[ECF No. 9, 12, 13]

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10 Plaintiff Marie Encar Arnold, proceeding pro se, initiated this action on November 4,
11 2024.¹ ECF No. 1. On December 10, 2024, United States Magistrate Judge Nancy J. Koppe issued
12 a report and recommendation (R&R) that this action be dismissed with prejudice for failing to
13 state a cognizable claim. R&R, ECF No. 9. Arnold filed an objection to the R&R on December
14 16, 2024. Obj., ECF No. 13. For the reasons set forth herein, I overrule the objection and adopt
15 the R&R in its entirety.

16 **I. Legal Standard**

17 A party may file specific written objections to the findings and recommendations of a
18 magistrate judge made pursuant to Local Rule IB 1-4; 28 U.S.C. § 636(b)(1)(C); LR IB 3-2(a).
19 Upon the filing of such objections, the Court must make a de novo determination of those
20 portions to which specific objections are made. LR IB 3-2(b). The Court may accept, reject, or
21 modify, in whole or in part, the findings or recommendations made by the magistrate judge. *Id.*;
22 *see also* 28 U.S.C. § 636(b)(1)(C).

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26 ¹ This action was initially referred to the magistrate judge pursuant to General Order 2023-11. *See* ECF
No. 3. The R&R recommends dismissal, the Clerk of Court assigned a district judge to resolve the R&R
and any objections thereto. *See* R&R, ECF No. 9 at 1 n.1 (discussing General Order 2023-11 at 3).

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2 **II. Discussion**

3 A review of Arnold's objections reveal that she lodges a general objection to the entire
4 R&R. "Numerous courts have held that a general objection to the entirety of a magistrate judge's
5 report has the same effect as a failure to object." *Alcantara v. McEwen*, 2013 WL 4517861, at *1 (S.D.
6 Cal. Aug. 15, 2013) (collecting cases). To constitute a specific objection, it must identify the
7 specific finding or recommendation to which the objection is made, state the basis for the
8 objection, and specify the place in the magistrate judge's report and recommendation where the
9 disputed determination is found. *See Sullivan v. Schriro*, 2006 WL 1516005, at *1-2 (D. Ariz. May
10 30, 2006). Arnold fails to lodge specific objections. Unfortunately, much like the complaint
11 Judge Koppe recommends I dismiss with prejudice, Arnold's objections are difficult to follow.
12 Moreover, the objections do not provide any points and authorities demonstrating that the
13 magistrate judge's determination was erroneous. Although I need not conduct a do novo review
14 based on Arnold's general objection to the R&R, I nonetheless reviewed the complaint and the
15 R&R and have determined that Arnold indeed fails to state a cognizable claim.

16 Under 28 U.S.C. § 636, magistrate judges are assigned the responsibility of screening *in*
17 *forma pauperis* complaints to alleviate the burden on the federal judiciary. 28 U.S.C. §
18 636(b)(1)(A). Section 1915 governs proceedings *in forma pauperis* and directs a court to dismiss a
19 case at any time it determines that the allegation of poverty is untrue or that the action is
20 frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary
21 relief against a defendant who is immune from that relief. Pro se pleadings, however, must be
22 liberally construed. 28 U.S.C. § 1915(e)(2). *See Balistreri v. Pacifica Police Dep't*, 901 F.2d 696, 699
23 (9th Cir. 1990).

24 The Federal Rules require dismissal of a complaint if it fails to state a claim upon which
25 relief can be granted. Fed. R. Civ. P. 12(b)(6). The court applies the same standard under
26 28 U.S.C. § 1915 when reviewing the adequacy of a pro se complaint. However, when a court

1 dismisses a complaint under § 1915(e), the plaintiff should be given leave to amend the complaint
2 with directions for curing its deficiencies, unless it is clear from the face of the complaint that
3 “the deficiencies could not be cured by amendment.” *Cato v. United States*, 70 F.3d 1103, 1106 (9th
4 Cir. 1995).

5 As is explained in the R&R, the complaint sets forth a “delusional factual scenario and a
6 nonexistent legal interest,” for which Arnold seeks almost \$3,000,000 as relief. ECF No. 9 at 2.
7 The objections do not clarify what claims she is bringing in this action. A properly pled
8 complaint must provide a “short and plain statement of the claim showing that the pleader is
9 entitled to relief.” Fed. R. Civ. P. 8(a)(2); *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007).

10 Although Rule 8 does not require detailed factual allegations, it demands more than “labels and
11 conclusions” or a “formulaic recitation of the elements of a cause of action.” *Ashcroft v. Iqbal*, 556
12 U.S. 662, 678 (2009) (citing *Twombly*, 550 U.S. at 555). The complaint asserts difficult to discern
13 conclusory allegations that Arnold’s rights have been violated. ECF No. 1-1 at 1–12. Judge Koppe
14 properly determined that Arnold failed to state a claim upon which relief can be granted.

15 Because no amendment would cure the complaint’s deficiencies, granting Arnold leave to amend
16 would be futile, so it was appropriately denied. *See Reddy v. Litton Indus., Inc.*, 912 F.2d 291, 296 (9th
17 Cir. 1990) (A district court does not err in denying leave to amend where the amendment would
18 be futile). As a result, I overrule Arnold’s objections and adopt Judge Koppe’s R&R in full. This
19 action is now dismissed with prejudice.²

20 III. Conclusion

21 IT IS THEREFORE ORDERED that Arnold’s objection [ECF No. 13] is overruled. The
22 report and recommendation of the magistrate judge [ECF No. 9] is adopted in full, and thus
23 Arnold’s complaint [ECF No. 1-1] is DISMISSED with prejudice.

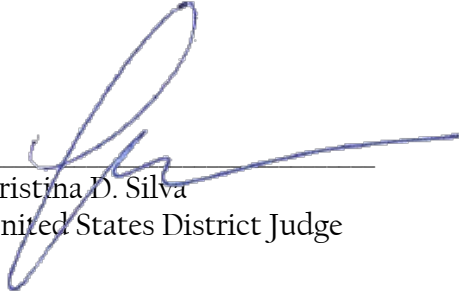
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² Because this action is dismissed with prejudice, Arnold’s renewed IFP application is denied as moot.

1 IT IS FURTHER ORDERED that Arnold's renewed IFP application [ECF No. 12] is
2 **denied as moot.**

3 Because the complaint contains personal-data identifiers, the Clerk of Court is kindly
4 directed to (a) correct the image of the complaint and its exhibits (ECF No. 1-1) with a redacted
5 version; and (2) seal ECF No. 1-1 pursuant to LR IC 6-1 and Fed. R. Civ. P. 5.2. The Clerk of
6 Court is also directed to close this case.

7 Dated: December 23, 2024

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Cristina D. Silva
9 United States District Judge
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